

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL WEST,

3:10-CV-00427-HU

Petitioner,

ORDER

v.

JEFF THOMAS, Warden, FCI  
Sheridan,

Respondent.

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#27) on June 4, 2012, in which he recommends the Court deny Petitioner's [Amended] Petition (#9) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and dismiss this matter with prejudice. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

In his Objections, Petitioner reiterates the arguments contained in his [Amended] Petition and Reply. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#27) and, therefore, **DENIES** the [Amended] Petition (#9) for Writ of Habeas Corpus and **DISMISSES** this matter **with prejudice**. The Court **DECLINES** to issue a certificate of

appealability.

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of September, 2012.

/s/ Anna J. Brown

---

ANNA J. BROWN  
United States District Judge